

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION**

CRIMINAL WRIT PETITION NO.829 OF 2007

Chandrakant Ambadas Jinde. ..Petitioner.

Vs.

The State of Maharashtra. ..Respondent.

Mr. A.K.Suryawanshi for the Petitioner.

Mr.P.A. Pol, APP. for the State.

CORAM: R.S. MOHITE, J.

DATE : 22/11/2007

P.C.

1. This petition is filed against the judgments of the two lower courts. The first judgment is of the Judicial Magistrate First Class dismissing a complaint filed by the present petitioner against the two brothers and the wife of one of the brother for alleged offence under Sections-418,427,463,464,471,427 read with 34 of the Indian Penal Code. The allegation is that the brothers have withdrawn the monies belonging to the petitioner from the bank account. Admittedly, that bank account stands in the name of the mother by name Sugandhaba. The said Sugandhabai is not made party accused in the said criminal case. Obviously the monies could only have been withdrawn by Sungandhabai who is still alive. The lower courts have rightly observed that the dispute is of civil nature . Not a fit case to interfere in the impugned judgments. Petition is therefore, rejected.

:2:

(R. S. MOHITE, J.)